

REMARKS

The present amendment is submitted in response to the Office Action dated June 8, 2007, which set a three-month period for response, making this amendment due by September 8, 2007.

Claims 1-16 are pending in this application.

In the Office Action, claims 1-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-5 and 8-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,671,815 to Kabatnik et al. Claims 6-7 and 10-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kabatnik.

In the present amendment, the specification has been amended to add standard headings, to delete references to the claims, and to add a cross reference to the related priority document.

The claims have been amended to address the rejections under Section 112, second paragraph. With regard to claim 12, the Applicants note that "the free end" refers to "a free end" as initially recited in amended claim 10, so that proper antecedent basis does indeed exist.

Turning next to the substantive rejections of the claims, claim 1 has been amended to define that the "at least one form-locking element for producing a form lock with the power supply module (11) is disposed in an end region, facing away from the introduction opening (152), of the guide sleeve (15) over only a limited portion of the guide sleeve (15)", as shown in Fig. 2.

As described in the specification on page 4, line 27 to page 5, line 9, providing the form-locking element in the end region, facing away from the introduction opening, of the guide sleeve over only a limited portion of the guide sleeve provides an advantage because the two corresponding form-locking elements come into engagement with one another only toward the end of the insertion travel of the introduction dome. This helps to achieve a good seating of the power supply module on the tool housing after insertion of the introduction dome into the guide sleeve and to achieve a largely play-free fixing of the end portion of the introduction dome in the guide sleeve so as to enhance the vibration resistance of the contact at the module-tool interface.

The Applicants disagree with the Examiner that Kabatnik et al anticipates the subject matter as defined in claim 1. Specifically, the Applicants submit that the Examiner has not considered every feature recited in claim 1. The Examiner maintains that Kabatnik et al disclose a form-locking element 57 a, b disposed **on** an end region 51 of the sleeve facing away from the sleeve opening. However, claim 1 defines a form-locking element disposed **in** the end region. This means that the form-locking element does not extend over the entire axial length of the guide sleeve and the introduction dome respectively. This feature is now more clearly defined in amended claim 1.

Figs. 4 and 5 of Kabatnik clearly show that the form-locking element 57a, b has more or less the same axial length as the introduction dome (axial length here means the length in the direction of insertion). This is because the form-locking elements 57a, b are part of a centering body 57 which helps to insert the

battery pack into the machine body (column 3, lines 32-38 of Kabatnik). Since the form-locking elements 57a, b help to insert the battery pack into the machine body, they necessarily have to contact corresponding form-locking elements 56 right at the beginning of the insertion process. Thus, the form-locking elements on the battery pack and the machine must extend over the entire length of the introduction dome and the insertion opening, respectively. Otherwise, they would not function as centering means.

In contrast, with the present invention, the form-locking element for producing a form lock with the power supply module is disposed in the end region, facing away from the introduction opening, of the guide sleeve over only a limited portion of the guide sleeve, which means that the two corresponding form-locking elements come into engagement with one another only toward the end of the insertion travel of the introduction dome.

The Applicants further submit that the practitioner skilled in the art would not consider the patent to Kabatnik et al, since this reference teaches a plug coupling having a base provided on the machine side and **displaceable** relative to the machine housing. The displaceable base helps to overcome the disadvantages of the prior art, i.e., the premature wear of the contacts due to relative movement of contact points because of unavoidable guiding gaps between the battery unit and the hand machine tool. Thus, Kabatnik et al actually teach away from the present invention, because they aim to achieve a certain play between the electrical contacts of the battery unit and the power tool.


In contrast, the present invention seeks to provide a good seating of the power supply module on the tool housing after the insertion of the introduction dome into the guide sleeve and to achieve a largely **play-free** fixation of the end portion of the introduction dome in the guide sleeve so as to enhance the vibration resistance of the contacting at the module-tool interface.

Because claim 1 includes features that are not disclosed or suggested by Kabatnik et al, the rejection under Section 102 cannot stand. MPEP section 2131 requires that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in the Applicant's claim. . Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


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